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**ORDINANCE NO. 08-61**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE OFFER TO PURCHASE A VACANT PARCEL OF LAND OWNED BY THE CITY, CONSISTING OF 2,760 SQUARE FEET OF TOTAL AREA, LOCATED ADJACENT TO A RESIDENCE SITUATED AT 750 EAST 30 STREET, HIALEAH, FLORIDA, FOLIO NO. 04-3108-001-4530, FOR THE SUM OF \$12,000.00 FROM ORLANDO MENA AND ROSELIA SOUSA AND AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TRANSFERRING TITLE TO THE PROPERTY AND EXECUTING ANY OTHER DOCUMENTS IN FURTHERANCE THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Hialeah obtained title to a 20-foot wide vacant parcel of land from Miami-Dade County, which acquired title to the property for delinquent taxes, via a tax deed on December 23, 2003 pursuant to section 197.593(3), Florida Statutes; and

**WHEREAS**, the City of Hialeah finds it in its best interest to sell the property to the adjacent property owners for \$12,000 since the property is an unbuildable site between two residences and the adjacent property owners have a colorable claim to the side yard that was enclosed by a fence for 23 years.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby accepts the offer to purchase a vacant parcel of land owned by the City, consisting of 2,760 square feet of total area, located adjacent to a residence situated at 750 East 30 Street, Hialeah, Florida, Folio No.

04-3108-001-4530, for the sum of \$12,000.00 from Orlando Mena and Roselia Sousa; and authorizes the Mayor to execute a quitclaim deed transferring title to the property and executing any other documents in furtherance thereof.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

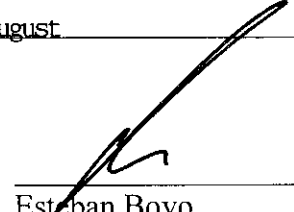
**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

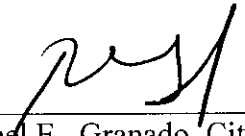
PASSED and ADOPTED this 12<sup>th</sup> day of August, 2008.

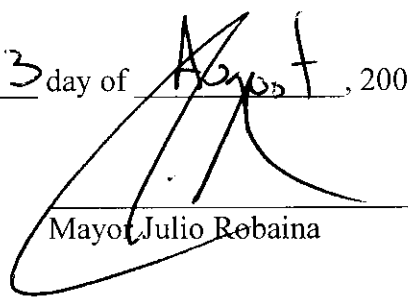
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

Approved on this 13 day of August, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".